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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/698,700

10/31/2003

Suresh Katukam

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1908

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7590

05/01/2008

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EXAMINER

FAROUL, FARAH

ART UNIT

PAPER NUMBER

2616

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,700	<b>Applicant(s)</b> KATUKAM, SURESH	
	<b>Examiner</b> FARAH FAROUL	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following Office Action is based on the amendment filed on January 29, 2008, having claims 1-31.

### ***Response to Arguments***

2. Applicant's arguments filed on January 29, 2008 have been fully considered but they are not persuasive. Applicant has argued that the "at least one protected link" is protected without the creation of a primary circuit path. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the link is protected without the creation of a primary circuit path) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Additionally, applicant has conceded that the Doshi reference (paragraph 62, lines 1-14) teaches "the first protected link is included in a protectable segment of a primary circuit path".

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Doshi et al. (US 2004/0205239 A1).

For claims 1, 11-12, 19, 24 and 28, Doshi discloses a primary circuit path from the first node to the second node, the primary circuit path includes a first protected link selected from the plurality of elements (paragraphs 13, lines 1-10), the primary circuit path is arranged to include at least one protected link in a protectable segment of the primary circuit path (paragraph 62, lines 1-14)

An alternate circuit path from the first node to the second node wherein the alternate circuit path protects at least the protectable segment of the primary circuit path (paragraph 46, lines 1-12 and paragraph 62, lines 1-14)

For claims 2, 4, 20, 25 and 29, Doshi discloses that the protected link is a 1+1 protection link (paragraph 60, lines 1-10)

For claims 3, 13, 22, 27, and 30, Doshi discloses creating the alternate path includes using the routing algorithm (paragraph 274)

For claim 5, Doshi discloses enabling at least one element of the plurality of elements which is required in the alternate circuit path to be substantially specified and creating the alternate path using at least one element of the plurality of elements which is required (paragraphs 212-213)

For claims 7-8, Doshi discloses the device is associated with a first node and implementing the primary circuit and the alternate circuit path (see Figure 17, element 1402 in Figure 14)

For claims 9, 16 and 23, Doshi discloses the primary path is a lowest cost circuit path between the first node and the second node and the alternate circuit path is a lowest circuit path between the first node and the second node which protects the primary circuit path (see Figure 15 and paragraphs 11 and 13)

For claim 14, Doshi discloses that a first node associated with the start and second nodes associated with the end are included in the alternate path (see Figure 17)

For claim 15, Doshi discloses the primary path being the shortest path between the start node and the destination node (see Figure 17)

For claims 10 and 17, Doshi discloses considering costs associated with a plurality of links associated with the network and a cost associated with the first line-protected link, the cost associated with the first line-protected link being substantially lower than the costs associated with the plurality of links (see Figure 15 and paragraphs 11 and 13)

For claim 31, Doshi discloses a primary circuit path between the first node and the second node which does not include at least one protected link when it is determined that at least one protected link may not be included in the protectable segment of the primary path and creating an alternate circuit path between the first node and the second node and the alternate circuit path protects the primary circuit path (see Figure 13 and paragraph 214).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 18, 21, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doshi et al. (US 2004/0205239 A1) in view of Frannhagen (US 2002/0181490 A1).

For claims 18, 21, 26 and 29, Frannhagen discloses the overall circuit path is a unidirectional path-switched ring (paragraph 40, lines 1-10 wherein the overall circuit path is unidirectional path-switched ring (UPSR))

Thus, it would have been obvious to someone of ordinary skill in the art to combine the line-protected mechanism of Frannhagen with the communication network of Doshi at the time of the invention. The line-protected path method of Frannhagen is combined with the communication network of Doshi by configuring the protected circuit path as a unidirectional path-switched ring. The motivation to combine the line-protected path method of Frannhagen with the communication network is that the UPSR architecture provides 1+1 protection in the communication network.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARAH FAROUL whose telephone number is (571)270-1421. The examiner can normally be reached on Monday - Friday 8:00 AM - 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Farah Faroul/  
Examiner, Art Unit 2616

/FIRMIN BACKER/  
Supervisory Patent Examiner, Art Unit 2616